EXHIBIT K

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September 8, 2023

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Re: University of Rochester – Ranga P. Dias, Ph.D.

Dear Dr. Masimore,

I am writing on behalf of myself to provide you with information that is relevant to your March 16, 2023 investigation referral to the University of Rochester related to an allegation of research misconduct directed against me. I am providing this information to you with the understanding that the University of Rochester will likely retaliate against me but in the interest of transparency, I feel that it is very important for the NSF to be aware of how the NSF referred investigation is being conducted in an improper manner. With this letter, I am sharing my understanding of several ways in which the University of Rochester is not conducting the NSF referred investigation consistent with the NSF investigation policies and procedures and is in fact violating the investigation directives set forth in your March 16, 2023 investigation referral letter.

Of particular significance is your statement on page 1 of your referral letter that:

> "Because a professional reputation is involved, fairness, due process, and confidentiality should be considered paramount. There is no presumption of wrongdoing by Dr. Dias or anyone else associated with the alleged research misconduct; rather, your confidential investigation should be designed to determine, without preconceptions, whether research misconduct occurred, and if so, who committed it."

The above statements contain clear and explicit reference to me being afforded "due process", "confidentiality", "no presumption of wrongdoing" and an investigation "without preconceptions". The fact of the matter is that the University of Rochester is replete with preconceptions and a presumption of wrongdoing without affording me due process where there is no confidentiality of the investigation.

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Composition of the Investigation Committee and Conflicts of Interest

Regarding the composition of the Investigation Committee, it is imperative to address concerns related to the independence of its members, as per the stipulated guidelines in the investigation referral letter. The mandate clearly states that those conducting the investigation should not possess any current or previous personal or professional relationships that could be construed as conflicts of interest.

My Professional Collaboration with Members of the Investigation Committee

It has come to my attention that the University of Rochester has appointed Marius Millot, Ph.D. as the chair of the committee, along with Peter M. Celliers; Ph.D., and Marcus Knudson; Ph.D. as committee members. Firstly, it should be noted that I maintain a professional relationship with both Dr. Millot and Dr. Celliers, having collaborated on a published abstract and recently submitted a joint manuscript for publication. Furthermore, Dr. Sakun Duwal from Sandia National laboratory, who works under Dr. Knudson guidance, has been involved in laser shock experiments at the LLE (Laboratory for Laser Energetics). Her work primarily focuses on pre-compressed shots using a Diamond Anvil Cell. It's worth noting that during her experimental period, she was working in my lab at the University of Rochester to prepare her targets for these experiments. While collaboration in scientific endeavors is common, it raises concerns about their impartiality when serving on this committee. I have attached a copy of the pre-print for your reference.

The Co-Working Relationship Between Committee Members

Furthermore, Dr. Marius Millot and Dr. Peter Celliers share a professional affiliation as co-workers at the Lawrence Livermore National Laboratory. This relationship is not limited to mere employment; they have co-authored numerous publications, thus indicating a deep-rooted and ongoing professional connection. This interconnectedness makes it challenging to ensure complete independence between two-thirds of the committee members, particularly when one holds the influential position of committee chair, and the other is a subordinate on the committee and collaborator.

The Co-Author Relationship Between Committee Members

Additionally, the fact that Dr. Marius Millot and Dr. Peter Celliers, through their affiliation with the Lawrence Livermore National Laboratory, have a substantial history of collaboration with the University of Rochester's Laboratory for Laser Energetics (LLE) is of great concern. Such extensive partnerships can potentially create susceptibilities to external influences, thereby further eroding the independence of the committee. Both are regular visitors to LLE for experiments and in fact, I have met them during their visits.

The Competitive Rivalry Between Committee Members and Me

A noteworthy issue of concern arises from the enduring rivalry that has persisted among Dr. Marius Millot, Dr. Peter Celliers, Dr. Marcus Knudson, and me. This rivalry dates to my postdoctoral tenure at the Department of Physics at Harvard University. This ongoing competition

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revolves around the investigation of metallic hydrogen in both solid and liquid states, with a specific focus on demonstrating superconductivity in the solid state.

My research approach primarily involves static compression, in contrast to the methods employed by the Dr. Millot, Dr. Celliers, and Dr. Knudson group, who employ dynamic compression techniques. It is worth noting that Dr. Millot and my academic advisor, Professor Silvera, have engaged in numerous disagreements and even disputes during conferences regarding the interpretation of research data.

Regrettably, this competitive history has been marred by instances where my own work, as well as that of my advisor, Professor Silvera, were omitted from research papers authored by these individuals. It is important to clarify that I do not assert that this is the case in every publication, but it has occurred with sufficient frequency to raise concerns about a discernible bias against acknowledging my scientific contributions.

The Introduction of Unfounded Accusations Not Related to My Publications

An example of this bias surfaced during an interrogation session conducted by Dr. Marius Millot, where he accused me of "self-plagiarism" concerning publications by Prof. Silvera during my postdoctoral tenure. These publications had no relevance to the scope of the NSF-referred investigation or any NSF funding I received, yet it exposed Marius Millot's predisposition toward finding wrongdoing.

The Inappropriate Demand for My Unpublished Manuscript of Proprietary Work

Furthermore, during another session, Marius Millot demanded access to a manuscript related to a study of graphene under pressure, which is unrelated to the investigation’s scope and contains proprietary information. Also, this work is not published. My refusal to disclose this ongoing research was met with apparent disregard for the proprietary nature of my work, raising concerns that the committee, chaired by Dr. Marius Millot, may resort to retaliation.

The Personal Relationship Between My Co-Author and Dr. Marius Millot

It is noteworthy to mention that Dr. Marius Millot has a personal relationship with my former collaborator and business partner, Professor Ashkan Salamat. Importantly, it should also be noted that Professor Salamat and I have formally terminated our professional business relationship, and he is no longer actively involved in supporting my work. This connection becomes particularly significant when considering Dr. Millot's role as the committee chair, as it raises questions about the potential influence of personal bias when it comes to communicating with Prof. Salamat.

Furthermore, Dr. Millot has familial ties to Dr. Aude Pickard, the former partner of my co-author and former business partner, who happens to be a close friend of Dr. Marius Millot's wife. This network of personal relationships further accentuates concerns regarding potential biases that could impact Dr. Millot's impartiality in his role as committee chair.

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To illustrate the depth of their personal connection, it should be noted that Dr. Millot and his wife have visited Professor Ashkan Salamat's residence in Las Vegas for leisure. One such instance occurred during the 2021 California wildfire, when they stayed at Professor Salamat's house.

Dr. Marius Millot's Engagement with Professor Jorge Hirsch's Criticisms of our Work

Finally, I possess information suggesting that Marius Millot was actively engaged in following the criticisms of our work from Prof. Jorge Hirsch. During his stay at Prof. Salamat's residence during the California wildfires, Marius Millot was reportedly involved in discussions supporting Prof. Hirsch's criticisms on various social media platforms.

In summary, it is evident that the composition of the Investigation Committee raises serious concerns regarding its independence. I have raised these concerns to Prof. Stephen Dewhurst in a zoom call and he apologized for not doing the proper due diligence before forming the committee. Yet, no corrections have been made as of this date. The professional relationships, affiliations, and past interactions among committee members, coupled with documented instances of bias, suggest a lack of impartiality that may undermine the integrity of the investigation. Further scrutiny and measures to ensure an unbiased committee are necessary to uphold the principles of fairness and objectivity in this matter.

<u>The University of Rochester's Interference with the Investigation</u>

Providing Contracts and Financial Remuneration to Witnesses

Around August 10, 2023, Dr. Sachith Dissanayake, who held the position of Research Assistant Professor in my research group in the Department of Mechanical Engineering at the University of Rochester, terminated the contractual agreement we had in place. Dr. Dissanayake's contract had a designated duration of two years, commencing on July 14, 2023, and concluding on July 13, 2025. It is important to note that his compensation was sustained through grant funding.

Subsequently, I have become aware of Dr. Dissanayake's decision to terminate our contract, which appears to have been prompted by the University of Rochester extending a separate contract to him, accompanied by remuneration to be directly disbursed by the University itself. It has come to my attention that, subsequent to this development, Dr. Dissanayake has been actively involved in actions aimed at undermining my ongoing work. Given these circumstances, it is not unreasonable to consider the possibility that his actions may have been influenced by the terms of the new contract he received from the University of Rochester, which includes direct financial compensation.

I have recently become aware of a communication directed to Dr. Dissanayake, authored by Leslie Thornton, who serves as legal counsel for the University of Rochester. When Dr. Dissanayake pressed for an update regarding the letter that Leslie Thornton was in the process of drafting, her response contained the following verbatim statement: **"-rest assured that things are moving along steadily in the background."** This response clearly reveals a preconceived plan and Dr. Dissanayake's, Leslie Thornton's and the

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University of Rochester's active involvement working in the "background" to ensure a predetermined outcome of the investigation.

The timing of the new contract offered to Dr. Dissanayake raises questions about the appearance of impropriety. The fact that he terminated our existing contract shortly after receiving an offer for a separate contract with direct financial remuneration from the University of Rochester creates a situation that could be perceived as a conflict of interest or potential bias. This sequence of events, wherein a significant change in Dr. Dissanayake's employment status closely aligns with actions taken to undermine my work, understandably leads to concerns about the integrity of the academic and professional relationships involved. Clarification and transparency in such matters are essential to maintain the trust and credibility of academic institutions and research endeavors.

Removal of Students

I would like to bring to your attention a concerning incident involving the University of Rochester's actions during the ongoing investigation. On August 3, 2023, the University of Rochester leadership made a unilateral decision, which, to my knowledge, was taken without prior communication with me. This decision involved the immediate removal of all 13 of my students from my laboratory at the University of Rochester. The students were informed that they were no longer permitted to work with me, receive mentorship from me, or participate in my academic activities. Instead, they were instructed to seek new advisors. Regrettably, this abrupt and unexplained removal of my students was communicated in a manner that clearly implies a "presumption of wrongdoing" on my part, even before the investigation has reached its conclusion. I have attached copies of my correspondence with the University of Rochester addressing their decision to remove my students from my laboratory.

In light of the prevailing circumstances, it has come to my attention that several of my students were scheduled to undergo interviews with the Investigation Committee as part of their ongoing inquiry. However, the abrupt removal and relocation of these students prior to their scheduled interviews with the Investigation Committee undeniably created an atmosphere of "presumption of wrongdoing" within the minds of these individuals.

It is important to note that I have had the privilege of mentoring a total of 21 students, all of whom are actively engaged in the field of superconductivity research. However, only a select few among them were chosen for interviews by the Committee. Additionally, it is noteworthy that the Chair of the Committee expressed a specific interest in meeting with certain students, with Dylan Durkee and Ray McBride being the first on the list. This has left me puzzled as to how the Committee Chair came to identify individuals who may have encountered difficulties within the research group, thereby deviating from established principles of collaborative research.

I wish to emphasize that I had previously communicated my concerns regarding these students to both the Graduate Studies Chair and Department Chairs, an issue that had been brought to their attention years ago. The sequence of events raises questions about a potentially coordinated effort between the University of Rochester and the Investigation Committee, with a possible intention to prejudice and bias my students against me.

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Consequently, I am deeply concerned about the repercussions of this disruption on my students. They now find themselves grappling with uncertainties concerning the timely completion of their studies, the challenge of securing new advisors aligned with their areas of study, and potential implications for their pursuit of Ph.D. degrees. It is evident that the students, faced with frustration and confusion arising from this situation, are inevitably prompted to ask, "Why am I being removed from Dr. Dias' laboratory unless he has committed wrongdoing?" This action taken by the University of Rochester stands in direct contrast to a fundamental principle outlined in your investigation referral letter.

In summary, the University of Rochester's handling of this matter has not only created an environment of "presumption of wrongdoing" but has also disrupted the academic pursuits and well-being of my students. This interference poses a significant challenge to maintaining the impartiality and fairness of the ongoing investigation, and I kindly request that this matter be addressed promptly and comprehensively in line with the principles of transparency and due process.

Coordination With Students to Request a Retraction of Lu-H-N Paper

I now want to bring to your attention a recent development that raises concerns about the University of Rochester's and the Investigation Committee's involvement with witnesses, specifically students, with the apparent intention of establishing a pretext for presuming wrongdoing on my part. I learned that the University of Rochester had engaged the services of legal counsel, Leslie Thornton, from the law firm Ropes & Gray, to assist in the investigation. Consequently, Leslie Thornton was present during the Investigation Committee's interrogations of me.

On September 6, 2023, I became aware of a situation where Leslie Thornton, acting as legal counsel, was in the process of drafting a letter on behalf of my co-authors and former students at the University of Rochester without any involvement of me as the corresponding author for the paper in question. This letter, authored by the University of Rochester's legal counsel, was intended to be submitted to the editorial board at Nature, again with no involvement of me as the corresponding author of the paper in question. In the letter, my co-authors and former students were requesting the retraction of the Lu-H-N paper published earlier this year. Notably, this letter contained false, misleading, and defamatory statements. In response to this draft letter, I have included the documents for your review, outlining my objections and concerns.

The involvement of legal counsel hired by the University of Rochester, particularly in conjunction with the ongoing investigation, collaborating with my co-authors and former students to draft letters, is deeply disconcerting. These actions manifestly convey a "presumption of wrongdoing" and suggest a predetermined verdict of "guilt," disregarding the due process considerations explicitly outlined in your investigation referral letter.

Moreover, the active participation of University of Rochester administrators, specifically Stephen Dewhurst, VP of Research, in coordinating with witnesses within the investigation process to draft a letter requesting the retraction of a paper under investigation has created an untenable conflict of interest. It has also introduced bias and prejudice into the outcome of the investigation. The potential retraction of a paper central to the ongoing investigation could be used

to bolster the predetermined outcome. The involvement of University of Rochester administrators and their legal representatives in preparing communications for co-authors and former students to seek a retraction indicates a result-driven approach that undermines the fairness of the now biased and prejudiced investigation.

Even more concerning is the evidence, as confirmed in email communications, that Stephen Dewhurst has been in contact with the editors of Nature, who are witnesses in the investigation, regarding the letter requesting retraction before its finalization. This suggests a deliberate intent to influence and bias the editors at Nature so that their decision to retract the paper is predetermined.

Such actions by the University of Rochester and its legal representatives, which include influencing witnesses, preparing letters for witnesses, and communicating with witnesses outside the purview of the Investigation Committee, undeniably reflect a clear desire to manipulate the investigation's outcome, devoid of due process considerations on my behalf. These actions demonstrate a bias and prejudice that engenders a "presumption of wrongdoing," directly contradicting the mandate articulated in your investigation referral letter.

Compromised Data Storage

In addition to the aforementioned developments, it came to my attention that the University of Rochester's IT department, in collaboration with Professor Stephen Dewhurst, recently initiated the collection of one of the laboratory computers responsible for controlling the PPMS machine, a process requiring a login. At the time of this action, the machine remained operational, and its proper shutdown typically entails a span of several days. To carry out the shutdown procedure, in cooperation with the ongoing investigation, I attempted to log in to the computer. However, I encountered an unexpected issue where my login credentials were not functioning. Apparently, the password has been changed and my access to the computer was denied. This appears to be indicative of a “presumption of wrongdoing” and a predetermined outcome of the investigation.

Furthermore, while responding to comments posted in the aftermath of a Nature publication, I endeavored to retrieve crucial data files from the aforementioned laboratory computer. To my dismay, I discovered that the data files I sought were conspicuously absent from the computer. Fortunately, I had maintained backups, which enabled me to promptly furnish the required files. These series of incidents have left me bewildered, as they appear to create a context that could potentially be exploited for further allegations or accusations against me.

* * *

Summary Conclusion

In summary, I write to provide you with critical information related to the ongoing investigation referred to the University of Rochester on March 16, 2023, regarding allegations of research misconduct directed against me. I acknowledge that sharing this information carries the risk of potential retaliation by the University, but I believe transparency is paramount, considering the improper conduct that has emerged during the NSF-referred investigation.

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Your referral letter explicitly emphasized the importance of fairness, due process, and confidentiality in conducting the investigation, with a clear directive that there should be no presumption of wrongdoing. Regrettably, my experience thus far with the University of Rochester's handling of the investigation has revealed a stark contrast to these principles.

Regarding the composition of the Investigation Committee, concerns about conflicts of interest have emerged. The committee members, particularly Dr. Marius Millot and Dr. Peter Celliers, have professional relationships, co-authorships, and affiliations that raise questions about their impartiality. These relationships, both past and present, cast doubt on their ability to conduct an unbiased investigation.

Furthermore, there are instances where the Investigation Committee, particularly Dr. Marius Millot, introduced unfounded accusations unrelated to the scope of the investigation and inappropriately demanded access to proprietary work. Such actions only serve to undermine the integrity of the investigation.

Additionally, the University of Rochester's interference with the investigation, particularly in providing contracts and financial remuneration to witnesses like Dr. Sachith Dissanayake, raises concerns about undue influence and retaliation. The timing of Dr. Dissanayake's contract termination, coupled with the subsequent undermining of my work, suggests a potential conflict of interest.

The removal of my students from my laboratory, along with the scheduling of interviews with the Investigation Committee, has created an atmosphere of "presumption of wrongdoing." The manner in which this was executed and communicated contradicts the principles of fairness and due process outlined in your referral letter.

Furthermore, the University's coordination with witnesses, such as my co-authors and former students, to request the retraction of a paper central to the investigation, and the involvement of legal counsel, Stephen Dewhurst, in this process, demonstrates a clear bias and prejudice against me. These actions undermine the objectivity and fairness of the investigation.

The compromised data storage, involving changes to login credentials and missing data files, appears to be indicative of a "presumption of wrongdoing" and an effort to influence the investigation's outcome.

These developments collectively reflect a pattern of behavior that compromises the fairness, impartiality, and due process of the ongoing investigation. I urge you to address these concerns promptly and comprehensively to restore the integrity of the investigation process and uphold the principles of transparency, fairness, and objectivity in the pursuit of truth.

<u>Request for Independent Conflict-Free Investigation Committee</u>

In light of the concerns raised regarding the ongoing investigation, I respectfully request that the NSF take immediate action to ensure a fair and impartial resolution to this matter. To this end, I humbly request that the NSF appoint a new independent Investigation Committee, free from conflicts of interest and external influence, to thoroughly and objectively review the allegations of

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research misconduct. The new Investigation Committee should not be working in the "background" toward a predetermined outcome but should instead be transparent in the investigative process.

The composition of this new committee should adhere strictly to the guidelines outlined in the NSF investigation policies and procedures, with a focus on ensuring that members possess no current or previous personal or professional relationships that could be construed as conflicts of interest. No information should be transferred from the current investigation committee. Such an independent committee will help restore trust in the investigation process, uphold the principles of fairness, and ensure a thorough and unbiased examination of the allegations.

I believe that a new, impartial committee will better serve the pursuit of truth, the preservation of academic integrity, and the protection of the rights and reputations of all parties involved. I appreciate your attention to this matter and your commitment to the principles of transparency, fairness, and objectivity in scientific research.

Sincerely,

Ranga Dias

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